

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

UNITED STATES OF AMERICA                    )  
  )  
                  v.                                ) CR. NO. 2:06cr169-WHA  
  )  
JAMES CALVIN TALLEY                        )

MOTION FOR FORFEITURE HEARING

The United States of America (United States), by and through Leura G. Canary, United States Attorney, Middle District of Alabama, and John T. Harmon, Assistant United States Attorney, hereby moves this Honorable Court to schedule a forfeiture hearing at the time of defendant's sentencing and submits the following:

1. On October 17, 2007, a plea agreement was filed in the above styled case.

2. The plea agreement, however, did not address the forfeiture of the computer equipment named in the Bill of Particulars filed on March 29, 2007, more particularly described as follows:

Thirty Thousand One Hundred Forty One and 84/100 Dollars (\$30,141.84) in United States currency seized from Mutual Savings Credit Union account in the name of James C. Talley, Jr.

3. The United States intends to seek forfeiture of the above-described property and is prepared to present evidence at the hearing to support the forfeiture.

4. Based on the above, the United States moves this Court to conduct a forfeiture hearing prior to sentencing of the defendant and, if warranted by the evidence presented, enter a Preliminary Order of Forfeiture at that time.

Respectfully submitted this the 9<sup>th</sup> day of November, 2007.

FOR THE UNITED STATES ATTORNEY  
LEURA G. CANARY

/s/John T. Harmon  
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CERTIFICATE OF SERVICE

I hereby certify that on November 9, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

/s/John T. Harmon  
John T. Harmon  
Assistant United States Attorney